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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,550	09/19/2003	Seung June Yi	2101-3052	4285
35884 7590 11/02/2009 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017				
EXAMINER GEORGEWILL, OPITIBO				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
11/02/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/664,550

Applicant(s)

YI ET AL.

Examiner

OPIRIBO GEORGEWILL

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 77, 78, 80-87 and 89-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 77, 78, 80-87 and 89-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 9/2/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to the applicant's amendment filed on 9/28/09.

Claims 79 and 88 are cancelled, claims 77 and 86 amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
 - b. Ascertaining the differences between the prior art and the claims in issue;
 - c. Resolving the level of ordinary skill in the pertinent art; and
 - d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.
3. Claims 77, 78, 80 – 87 and 89 – 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckman et al., US Pub No. 20030035423 A1 in view of LG Electronics Inc, "RAN considerations on MBMS", TSG-RAN Working Group 2 Meeting #30, June, 2002 (henceforth "LG").

Re claim 77, Beckmann discloses a method for providing multicast service in a wireless communication system (see abstract), the method comprising

mapping at least one logical channel onto a transport channel (paragraph 10, logical channel which is also projected (mapped) onto a transport channel) transmitting, to a user equipment (fig 3, ref MS), data of the at least one logical channel through the transport channel (paragraph [52], data which is sent over other logical channels can be sent over the same transport channel) wherein the data is added with a header including a first identifier for identifying the at least one logical channel and a second identifier for identifying the multicast service (fig 2, paragraph [52], TCTF field indicates from which type of logic channel; paragraph [53], MC-ID contains information by which the multicast group can be identified) wherein the second identifier is an MBMS (Multimedia Broadcast/Multicast Service) identifier (paragraph [53], MC-IS contains information by which the multicast group can be identified)

Beckman is silent on the second identifier being used to distinguish between MBMS services. LG in analogous art discloses the RAN consideration on MBMS. LG further discloses an MBMS RNTI for MBMS multicast mode used to identify a group of UE receiving a multicast service (see LG sec 2.3, clearly shows that the group identifier is used to distinguish services). it would therefore have been obvious to a person having ordinary skills in the art, at the time the invention was made, to incorporate the teaching of LG into the disclosure of Beckman to have the second identifier being used to distinguish between services so as allow the UE Mac identify received MBMS data (LG: sec 2.3)

The rejection of claim 77 is incorporated herein. Claim 78, 81, 83 depend on claim 77 and only further limitations will be addressed below.

Re claim 78, Beckmann in view of LG discloses that the first identifier is a TCTF (fig 2, paragraph [51])

Re claim 80, Beckmann in view of LG discloses wherein the MBMS identifier is an m-RNTI (MBMS radio network temporary identifier) (LG: sec 2.3, MBMS RNTI)

Re claim 81, Beckmann in view of LG discloses a third identifier for distinguishing a type of the second identifier included in the header (fig 2, ref IE-id type; paragraph [53], if there are several possibilities for the identification of the multicast group, a further field MC-ID type may be additionally added, indicating the type of multicast group identification).

The rejection of claim 81 is incorporated herein. Claim 82 depends on claim 81 and only further limitations will be addressed below.

Re claim 82, Beckmann in view of LG discloses that the third identifier is a UE ID type (fig 2).

Re claim 83, Beckmann in view of LG discloses that the at least one logical channel is a dedicated logical channel (fig 4, case 2a, where Beckman shows a DTCH as the logical channel).

Re claim 84, Beckmann discloses a logical channel being mapped into a transport channel (paragraph [9], FACH) but does not explicitly discloses a shared transport channel in case 2a (fig 4, paragraph [59]). Beckmann however

discloses that that the transmission can be done over any known in data transmission system from a logical channel projected onto a transport channel (paragraph [10]). LG discloses a known combination of a logical channel projected onto a transport channel, CTCH onto DSCH (LG: sec 2.4). A person having ordinary skills in the art could have substituted the transport channel FACH disclosed by Beckmann (paragraph [59], variant a) with the shared transport channel DSCH disclosed by LG, and the logical channel DTCH disclosed by Beckmann with the CTCH logical channel disclosed by LG in the variant 2a disclosed by Beckmann (paragraph [57] - [68]) with predictable results.

Re claim **85**, Beckmann in view of LG discloses wherein the shared transport channel is a DSCH (Downlink Shared Channel) (LG: sec 2.4)

Re claim **86**, the claim is the receiving part of the transmission carried out in claim 77. Beckmann discloses the transmission and receiving of the data (fig 1, fig 4). Claim 86 is therefore rejected for the same essential reasons as claim 77 above.

Re claim **87**, as applied to claim 86 above, it is essentially similar to claim 78 and is rejected for the same reasons as above.

Re claim **89**, as applied to claim 88 above, it is essentially similar to claim 80 and is rejected for the same reasons as above.

Re claim **90**, as applied to claim 86 above, it is essentially similar to claim 81 and is rejected for the same reasons as above.

Re claim **91**, as applied to claim 90 above, it is essentially similar to claim 82 and is rejected for the same reasons as above.

Re claim **92**, as applied to claim 86 above, it is essentially similar to claim 83 and is rejected for the same reasons as above.

Re claim **93**, as applied to claim 86 above, it is essentially similar to claim 84 and is rejected for the same reasons as above.

Re claim **94**, as applied to claim 86 above, it is essentially similar to claim 85 and is rejected for the same reasons as above.

Response to Arguments

4. Applicant's arguments with respect to claims 77, 78, 81, 82, 83, 86, 87, 90, 91, 92 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's argument with respect to claims 84, 85, 93, 94 have been considered but they are not persuasive.
6. On page 7 of Applicant's response, Applicant's argument that Beckman (US Pub. No. 20030035423) in view of Terry (US Pub. No. 20030220119) would not lead one having ordinary skills in art to arrive at the claimed invention is moot in view of new grounds of rejection.
7. On page 8 of Applicant's response, Applicant's argument that Beckmann teaches away from modifying and emphasizes that when projection is done unto DSCH, the TCTF field is not to be present.

8. The Examiner respectfully disagrees with the Applicant's argument, since, Beckman indeed teaches that data packets for multicast or enhanced broadcast are transmitted over the already existing transport channel using a new logical channel (paragraph [9], Beckman using FACH as a particular reference in this case, but does not preclude any other type of transport channel from being used). Furthermore, Beckman teaches in paragraph [10] that data packets for multicast or enhanced broadcast are transmitted over a combination already used or known in data transmission from a logical channel which is also projected a transport channel FACH. Beckman does not teach away from the substitution of the transport channel FACH for any other transport channel. Furthermore, Beckman discloses that "the data packet for multicast or enhanced broadcast are transmitted over an already used combination of the logical channel DTCH, projected onto a transport channel DSCH." Beckman discloses that for this combination, there is no TCTF but does not disclose that other projection onto DSCH will not have a TCTF field (see paragraph [62]). Beckman's discloses allows a person having ordinary skills in the art to substitute any combination in the disclosed transport channel and logical channel and expect no unpredictable results except for the combinations disclosed by Beckman which are to be performed the disclosed way.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OPIRIBO GEORGEWILL whose telephone number is (571)270-7926. The examiner can normally be reached on Monday through Thursday, 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LunYi Lao can be reached on (571)272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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